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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,963	07/29/2003	Richard W. Nykamp	76764.(new)	6180
24335	7590	05/18/2005	EXAMINER	
WARNER NORCROSS & JUDD LLP 900 FIFTH THIRD CENTER 111 LYON STREET, N.W. GRAND RAPIDS, MI 49503-2487			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,963

Applicant(s)

NYKAMP ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,11,12 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,11,12 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Flesher (US 5,158,324).

Regarding claims 1, 3, 11 and 12, Flesher discloses a decorative cover comprising a flexible, magnetic sheet (Fig. 3, #104, also see col. 4, lines 43-49) and a decorative layer (Fig. 3, #102; also see col. 4, lines 58-64) laminated to the magnetic sheet to form a lamination dimensioned to cover the component substantially completely (see col. 1, lines 55-68), the decorative layer is vinyl (see col. 4, lines 54-55), the lamination defining an aperture positioned to be aligned with the physical feature when the lamination is mounted on the component (see col. 2, lines 6-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malino (US 5,799,423) in view Flesher (US 5,158,324).

Malino discloses an article of office furniture comprising a metal office furniture piece including a plurality of components each having dimensions (see Fig. 6); and a decorative magnetic cover overlying and attached to one of the components (Fig. 6, #20). However, Malino fails to disclose a plurality of magnetic decorative covers, each having dimensions substantially the same as the dimensions of the component to which the cover is attached wherein one of the decorative covers defines a cutout and each of the covers comprising a flexible, magnetic sheet and a decorative material selected from the group of fabric, vinyl, leather, veneer and laminate. Flesher teaches that it is old and well-known in the art to have a plurality of magnetic decorative covers, each having dimensions substantially the same as the dimensions of the component to which the cover is attached (see col. 1, lines 55-68) wherein one of the decorative covers defines a cutout (see col. 2, lines 6-10) and each of the covers comprise a flexible, magnetic sheet and a vinyl decorative material (see col. 4, lines 50-55) for the purpose of providing protection and a distinctive, decorative appearance to the component which the magnetic covers are attached. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the components of the metal office furniture piece in Malino with a plurality of magnetic decorative covers wherein each of the covers comprise a flexible, magnetic sheet and a decorative vinyl material and each of the covers has dimensions substantially the same as the dimensions of the component to which the cover is attached wherein one of the covers defines a cutout as suggested by Flesher in order to provide


protection and a distinctive, decorative appearance to the components of the metal office furniture piece which the covers are attached.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine A. Simone
Examiner
Art Unit 1772
May 13, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/13/05